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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,844	12/02/2003	W. Paul Willes	23839-11591	3223
758 7590 04/16/2007 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER BHATIA, AJAY M	
			ART UNIT 2145	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
31 DAYS			04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/725,844

Applicant(s)

WILLES ET AL.

Examiner

Ajay M. Bhatia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-147 is/are pending in the application.
- 4a) Of the above claim(s) 2-38, 75-77, 79-113, 115-144, 146 and 147 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-147 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

It appears that applicant had great difficulty in understanding the previous restriction requirement because the examiner used PCT rules. Therefore examiner has provided a new restriction requirement. Applicant is required to elect on species and generic claims are automatically elected. Should the generic claims become allowable withdrawn claim may later be possible to be rejoined. Applicant is required to elect a group, should applicant not elect a group or elect a group the examiner has not defined the response will be held non-responsive.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Please note that the summary of invention identified approximately 30 groups, but examiner combine more of the logical groups together.

Group I, claim(s) 2, 3, 40, 41, 79, 80, 115, 116, 132 are drawn to compression parameter selected from the based on video MPEG1, MPEG2, etc... classified in class 348, subclass 14.13.

Group II, claim(s) 4, 42, 81, 117, are drawn to network condition are RF interference, noise information classified in class 455, subclass 135.

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Group III, claim(s) 5, 43, 58, 82, 100, 118, are drawn to data decompression module, classified in class 375, subclass 240.

Group IV, claim(s) 6, 44, 83, 119, are drawn to data source is connect to data interface, classified in class 709, subclass 238.

Group V, claim(s) 7, 45, 84, 120, are drawn to PAL, NTSC S-video interface, classified in class 380, subclass 43.

Group VI, claim(s) 8, 46, 85, 121, are drawn to brightness, contrast, hue, classified in class 380, subclass 588.

Group VII, claim(s) 9, 10, 47, 48, 86, 87, 122, 123, are drawn to motion detection, classified in class 380, subclass 208.1.

Group VIII, claim(s) 11, 12, 13, 49, 50, 51, 88, 89, 90, 124, 125, 126, and 18, 19, 95, 96, are drawn to master/network node comprises a mass storage device, classified in class 711, subclass 100.

Group IX, claim(s) 14, 15, 52, 53, 91, 92, 127, 128, 20, 21, 56, 57, 97, 98, 129, are drawn to encrypting and decrypting data, classified in class 380, subclass 255.

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Group X, claim(s) 16, 54, 93, 130 and 22, 23, 99, are drawn to master/network node that comprises a web server, classified in class 709, subclass 218.

Group XI, claim(s) 17, 55, 94, 131, are drawn to network node is a remote address client, classified in class 709, subclass 217.

Group XII, claim(s) 24, 25, 26, 59, 60, 61, 101, 102, 103, 133, 134, 135, are drawn to external network connect to a master/network node, classified in class 709, subclass 219.

Group XIII, claim(s) 27, 62, 104, 136, are drawn to communication over a network including an acoustic network, classified in class 370, subclass 276.

Group XIV, claim(s) 28, 63, 105, are drawn to communication using protocols ASF, FTP, NTP, DNS, classified in class 709, subclass 230.

Group XV, claim(s) 29, 64, 106, are drawn to timestamp and watermark, classified in class 713, subclass 176.

Group XVI, claim(s) 30, 65, 107, 137, are drawn to master/network node of type personal computer, telephone, e-mail system, classified in class 709, subclass 207.

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Group XVII, claim(s) 31, 32, 66, 67, 108, 109, 138, 139, are drawn to change in data stream, classified in class 709, subclass 231.

Group XVIII, claim(s) 33, 68, 110, 140, are drawn to temperature sensor, classified in class 374, subclass 11.

Group XIX, claim(s) 34, 69, 111, 141, are drawn to constant network load, classified in class 370, subclass 395.6.

Group XX, claim(s) 35, 36, 70, 71, 112, 113, 142, 143, are drawn to constant media stream rate, classified in class 709, subclass 231.

Group XXI, claim(s) 38, 73 and 37, 72 are drawn to master/network node with software application, classified in class 717, subclass 100.

Group XII, claim(s) 75, 145, are drawn to authentication information, classified in class 380, subclass 229.

Group XXIII, claim(s) 76, 146, are drawn to storing transaction information, classified in class 707, subclass 1.

Group XXIV, claim(s) 77, 147, are drawn to subscription service, classified in class 206, subclass 207.

Claims 1, 39, 74, 78, 114, and 145 are generic to the following disclosed patentably distinct species: see groups defined above. The species are independent or distinct because, in the summary of the invention applicant defines multiple embodiments of separate inventions. Additionally in the specification further defines these embodiments as separate modules, hence they are separate inventions (Specification pg 14). . Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

A telephone call was made to Brenda M. Simon on February 15, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AB



Jason Cardone  
Supervisor Patent Examiner  
Art Unit 2145